

08-16-04

JFW AF  
3731IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Vargas, Jaime; et. al.  
Assignee: Cardica, Inc.  
Title: Device for Cutting and Anastomosing Tissue  
Serial No.: 09/989,055 Filing Date: November 22, 2001  
Examiner: Julian W. Woo Group Art Unit: 3731  
Docket No.: 032405-065

August 13, 2004

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE DECISION OF THE EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(UNDER 37 CFR §1.191)**


Sir:

Applicants hereby appeal the Final Rejection of Claims 34, 43-46, 50, 58, 59, 61 and 62 in the Examiner's Final Office Action of July 19, 2004 to the Board of Patent Appeals and Interferences. Enclosed is check no. 10210 in the amount of \$165.00 for this Notice of Appeal as set forth in 37 CFR §1.17(b).

No extension of time is believed to be required. If, however, an extension of time is required, please provide such extension of time, and please charge Deposit Account No. 502108 for the extension fee. Please charge any amounts underpaid or credit any amounts overpaid to Deposit Account No. 502108.

**EXPRESS MAIL LABEL NO.:**  
**EV430390433US**

Respectfully submitted,

  
Brian A. Schar, Esq.  
Attorney of Record  
Reg. No. 45,076  
Cardica, Inc.  
900 Saginaw Drive  
Redwood City, CA 94063  
(650) 331-7162

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Docket No.: 032405-022

August 13, 2004

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Commissioner For Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

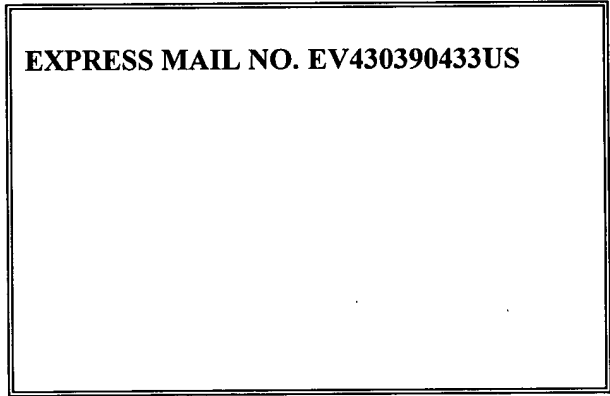
Re:	Applicant(s):	Vargas, Jaime, et. al.	
	Assignee:	Cardica, Inc.	
	Title:	Device for Cutting and Anastomosing Tissue	
	Serial No.:	09/989,055	
	Examiner:	Julian W. Woo	Filed: November 21, 2001
	Docket No.:	032405-065	Group Art Unit: 3731

Dear Sir:

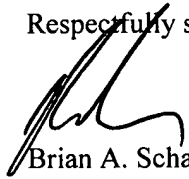
Transmitted herewith are the following documents in the above-identified application:

- (1) Return Receipt Postcard;
- (2) This Transmittal Letter;
- (3) Notice of Appeal; and
- (4) Check no. 10210 in the amount of \$165.00.

- ☒ Conditional Petition for Extension of Time: If an extension of time is required for timely filing of the enclosed document(s) after all papers filed with this transmittal have been considered, an extension of time is hereby requested.
  - ☐ Please charge our Deposit Account No. 502108 in the amount of \$ 165.00
  - ☒ Please charge any additional fees required and credit any overpayment to our Deposit Account No. 502108.
- Total:**     \$     165.00



Respectfully submitted,

  
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